

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #8	CCRB Case #: 201502592	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/03/2015 10:15 AM	Location of Incident: § 87(2)(b)	Precinct: 30	18 Mo. SOL 9/3/2016	EO SOL 9/3/2016	
Date/Time CV Reported Mon, 04/06/2015 4:35 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/06/2015 4:35 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM George Layng	06732	911985	030 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Roma	10677	953333	030 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM George Layng	Abuse: PO George Layng refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)

Case Summary

On March 3, 2015, at approximately 10:15 a.m., § 87(2)(b) went to a Duane Reade pharmacy at 3387 Broadway, Manhattan to pick up a prescription. A dispute ensued between § 87(2)(b) and the pharmacist when she refused to provide him with his medication. The pharmacist called 911 and PO George Layng and PO Michael Roma arrived on the scene. The officers spoke with § 87(2)(b) and the pharmacist. PO Layng eventually asked § 87(2)(b) to leave the store. Outside the store, § 87(2)(b) asked PO Layng for his shield number. PO Layng did not provide his shield number and instead said to § 87(2)(b) “Call the precinct and get it” (**Allegation A**). The officers then left. No summons was issued and no arrest was made.

Mediation, Criminal, and Civil Histories

- This case was eligible for mediation and it was offered to § 87(2)(b) during his initial intake call and during his in-person interview at the CCRB. § 87(2)(b) declined mediation § 87(2)(b)
- On June 2, 2015, a notice of claim request was filed and will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) (Board Review 01).
- PO Layng has been a member of the service for 21 years, has had four previous CCRB allegations none of which were substantiated. § 87(2)(g) (Board Review 08).

Identification of Subject Officers

§ 87(2)(b) described the subject officer as a white male, mid-late 40s, standing at least 5’8” tall or a little taller, medium build, with receding brown hair/semi-bald, and wearing a uniform. PO Layng described himself in the Officer Interview Sheet as a § 87(2)(b) old white male, 6’0” tall, 185 pounds, with brown hair and blue eyes.

§ 87(2)(b) observed that the officers got into marked squad car number 4656 – 30th Precinct. The 30th Precinct Daily Vehicle Assignment Sheet on the day of the incident indicates that this car was assigned to patrol in sector AB (Board Review 02).

The event report for this incident specified that the primary responding unit was 30A-2 (Board Review 03). The 30th Precinct Roll Call on the day of the incident showed that PO Layng and PO Michael Roma were assigned to patrol in sector AB on the day of the incident (Board Review 04).

PO Layng lost his memo book and prepared a 61 regarding this. PO Layng notified IAB about his lost memo book. PO Roma had an entry in his memo book regarding this incident in which he noted that § 87(2)(b) asked PO Layng for his name (Board Review 05).

§ 87(2)(g)

Findings and Recommendations

Allegation Not Pleaded

During his in-person interview at the CCRB on April 14, 2015, § 87(2)(b) said that he went to the 30th Precinct stationhouse to file a complaint against the officer who refused to provide his shield number. The officer who assisted § 87(2)(b) at the stationhouse told him that he had to call the CCRB to file a complaint. § 87(2)(b) was asked during his interview if he was satisfied with this response. § 87(2)(b) indicated that he was satisfied and that he did not want to file a complaint against the officer at the stationhouse. § 87(2)(g)

Allegation A – Abuse of Authority: PO George Layng refused to provide his shield number to § 87(2)(b)

During his in-person interview, § 87(2)(b) acknowledged engaging in a dispute with a Duane Reade employee over prescription medicine (Board Review 09). When the officers responded, they did not resolve the dispute to his satisfaction and he left the store upon request to avoid further conflict. § 87(2)(b) stated that he asked for PO Layng’s shield number after exiting the Duane Reade store. § 87(2)(b) alleged that PO Layng heard this request because he turned around and said, “Call the precinct and get it.” § 87(2)(b) alleged that PO Layng never provided him with his shield number. He had asked for this information so that he could include it in his complaint against Duane Reade.

§ 87(2)(b) testified that nobody was in the vicinity outside of the store to hear the interaction that occurred. The pharmacist involved in the dispute with § 87(2)(b) and the store manager, § 87(2)(b) were both interviewed by phone (Board Review 10, Board Review 11). Neither witnessed what occurred outside of the store after § 87(2)(b) and the officers left.

PO Layng could not recall § 87(2)(b) asking him for his shield number (Board Review 12). PO Layng could not recall ever providing his name or shield number to § 87(2)(b).

PO Roma’s memo book noted that he responded to a call for threats made at the incident location. PO Roma noted that the call was changed to a dispute between an employee and a customer regarding a prescription. The store wanted the customer to leave. The customer left the store and asked PO Layng for his name (Board Review 05). During his interview at the CCRB, PO Roma testified that PO Layng verbally stated his name in response to this request (Board Review 07). PO Roma did not remember if PO Layng ever said, “Call the precinct and get it.” PO Roma had a clear recollection of this incident but could not recall this specific aspect about calling the precinct. PO Roma did not know if § 87(2)(b) provided any acknowledgement that he had received PO Layng’s name.

Patrol Guide rule 203-09 states that officers must “courteously and clearly state your rank, name, shield, and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information” (Board Review 13).

§ 87(2)(g)

§ 87(2)(g)

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Pod: 8

Investigator:	_____	_____	_____
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date